

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BOLAN HOMES, LLC,

Plaintiff,

vs.

LEON HAVIN,

Defendant.

CASE NO. 10CV1113 DMS (JMA)

**ORDER REMANDING CASE TO
STATE COURT**

On April 28, 2010, Plaintiff Bolan Homes, LLC filed a Complaint for Unlawful Detainer against Defendant Leon Havin in San Diego Superior Court. Plaintiff seeks to gain possession of real property formerly owned by Defendant, but which Plaintiff purchased in a foreclosure sale. Defendant challenges the validity of the foreclosure sale.

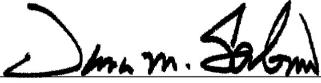
On May 21, 2010, Defendant, acting pro se, filed a Notice of Removal in this Court. Defendant contends this court has federal question jurisdiction over the matter because Plaintiff's claims are brought under the Federal Fair Debt Collection Practices Act, Real Estate Settlement Procedures Act, Truth in Lending Act, and other federal laws.

The Court reviewed the documents filed with the Notice of Removal and found no federal claims. Accordingly, this Court issued an Order to Show Cause why the case should not be remanded to state court for lack of subject matter jurisdiction. (Doc. 2.) Plaintiff filed a brief in support of remand. (Doc. 3.) On June 7, 2010, Defendant filed a late response to the Order to Show Cause. Defendant contends that he filed suit against Wells Fargo Bank and other defendants in San Diego

1 Superior Court and that he is not receiving due process as to his loan modification. The complaint
2 against Wells Fargo, which alleges entirely state law causes of action, does not give this Court
3 jurisdiction over the instant matter. Since Defendant has failed to show there is federal jurisdiction
4 over the subject matter of this case, the case is hereby remanded to state court.¹

5 **IT IS SO ORDERED.**

6 DATED: June 7, 2010

7 
8 HON. DANA M. SABRAW
9 United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 ¹ Defendant's request that his case against Wells Fargo be consolidated with the unlawful
detainer action is an issue for the state court.